

TENNESSEE ETHICS COMMISSION

Minutes of SEPTEMBER 25, 2006

Pursuant to the call of the Chairman, Thomas Garland, the Tennessee Ethics Commission met on Monday, September 25, 2006, at 9:30 a.m. in the Old Supreme Court Room on the first floor of the Capitol Building.

The following members were present:

Thomas J. Garland, Chair

Linda W. Knight

Donald J. Hall

Dianne F. Neal

Benjamin S. Purser, Jr.

R. Larry Brown was not present but was listening per speaker phone until around 10 a.m.

Chairman Garland made opening comments and called the meeting to order.

Chairman Garland recognized Bruce Androphy in order for Mr. Androphy to introduce the newly hired staff of the Ethics Commission.

INTRODUCTION BY BRUCE ANDROPHY

Mr. Androphy introduced the Tennessee Ethics Commission Staff to the Members. The staff is as follows: Becky Bradley, Ann Turner, Judy Bennett, Mindy Arrington, and Jamie Graves.

Next, Mr. Androphy gave an update on the Ethics Commission's work thus far.

He stated that the staff sent out about 1,400 reminder letters to current registered lobbyists and their employers in the first two days of the Commission's operation.

He informed the members that tests were being run on the Lobbyist Registration Portal and that the Lobbyist Manual was currently on the website and was still undergoing some editing.

Finally, Mr. Androphy informed the members that at least two sites are being considered for the Commission's future offices. The two sites mentioned are located within the Bank of America Building and the SunTrust Bank Building.

Mr. Androphy announced the next meeting to be October 31, 2006.

Next, Chairman Garland announced two actions to be considered for the meeting. The actions involved approving the minutes of the August 17, 2006 meeting and approving the newly hired staff by Bruce Androphy for the Ethics Commission.

ACTIONS OF THE COMMISSION:

Motion by Chairman Garland to approve the minutes of the August 17, 2006 meeting. The minutes were approved unanimously.

Motion by Commissioner Dianne Neal to approve all currently hired employees of the Tennessee Ethics Commission. Commissioner Benjamin Pursur seconded and all members unanimously approved to ratify the hiring of all five current employees of the Ethics Commission. Those approved for hiring were Becky Bradley, Judy Bennett, Ann Turner, Mindy Arrington, and Jamie Graves.

Chairman Garland opened the floor to hear comments from lobbyists attending in the audience.

ORAL PRESENTATION BY LOBBYISTS TO THE COMMISSION REGARDING LOBBYIST CONCERNS:

Dick Lodge: Mr. Lodge had concerns regarding definitions in the statute. He referred to the statute as a "quasi-criminal" statute. He wants to have a bright line definition for when a person actually begins to lobby. He argued to have the actual communication of influence with a legislator to trigger the definition of "lobbying", rather than the point in time in which a lobbying agreement is made between an employer and a lobbyist.

Ann Carr: Ms. Carr presented her concerns to the Commission. She stated that she often monitors bills for clients without ever lobbying for that client.

Russ Farrar: Mr. Farrar presented his concerns to the members. He stated that he believes it to be an undue hardship on his clients to re-register for the same lobbying contract in 2006 that has already been registered with the Registry of Election Finance.

Courtney Pearre: Mr. Pearre presented his concerns about the definition of lobby and lobbyist. He wished to retain the definitions of lobby and lobbying that were in the prior 1995 statute. He also had concerns about the registration deadline. He stated that he is going to be out of the country and will miss the registration deadline. He had concerns for others with this same type of problematic situation.

Chairman Garland thanked all the lobbyists, gave assurance that further work will be done regarding their concerns, and reaffirmed the necessity for the Ethics Commission to meet its charge.

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THE COMMISSION RECESSED FOR COMMISSION MEMBERS TO TOUR POSSIBLE FUTURE OFFICE SITES FOR THE ETHICS COMMISSION AND FOR LUNCH.

THE COMMISSION RECONVENED AT 1:35 P.M. WITH JANET KLEINFELTER PRESENT. LINDA KNIGHT WAS NO LONGER PRESENT.

Chairman Thomas Garland stated that more cost assessments must be gathered before a final determination could be made for the future location of the Ethics Commission's office. A suggestion was also made by Commissioner Benjamin Purser that the selected site should contain one office to be designated for any commission member's use.

Bruce Androphy invited all the members of the Commission to the COGEL Conference in New Orleans, Louisiana on December 3-6, 2006.

Finally, Mr. Garland, in response to the earlier lobbyist comments, stated that it was the Commission's view that lobbying registration is triggered by the employment relationship and that the matter was under advisement by the Attorney General's Office, and that the Commission would notify the lobbying community if its position were to change.

There being no further business, Chairman Garland adjourned the commission meeting at 1:42 p.m.

Respectfully Submitted

Melinda R. Arrington
September 26, 2006